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REMARKS

In the Final Action, independent claims 1, 12, and 16 were rejected in view of a proposed combination of the Geil reference (U.S. Patent No. 6,181,024) and the newly cited Takata reference (2004/0183655). Section 706.07(a) of the Manual of Patent Examining Procedure ("MPEP") states that a second or subsequent Action on the merits shall not be made final if it includes a rejection based on newly cited art. In view of the Takata reference being newly cited art, it is respectfully submitted that the present Action was improperly made final.

Furthermore, the proposed modification is improper because it modifies the Geil reference in a way that renders the same unsatisfactory for its intended purpose. [See MPEP § 2143.01(V)]. Specifically, in the Geil reference (col. 1, lines 51-58; and col. 1, line 66 to col. 2, line 3), movement of the handle in two opposite directions is intended to differentiate the two clearly separate operating procedures of unlocking the door and opening the door. This object is not satisfied if the Geil reference is modified to move the handle in only one direction for both unlocking and opening the door.

None of the prior art references, whether taken individually or in any permissible combination, teaches a door handle assembly with a door handle movable only in an outboard direction for both actuating a passively-actuated vehicle system and unlatching the vehicle door. In particular, the Geil reference (col.1, lines 51-58; col. 2, lines 14-18 and lines 31-34) discloses a handle that is moved in one direction to actuate a vehicle lock system and then in the second opposite direction to open the door. Thus, the Geil reference does not teach or suggest a door handle movable in a single outboard direction for both actuating a vehicle system and unlatching the door. The Champ reference is directed to a lever assembly with a gas compression device for damping movement of the lever assembly. However, the Champ reference fails to teach or suggest a door handle assembly with a door handle movable only in an outboard direction for both actuating a passively-actuated vehicle system and unlatching the vehicle door. Moreover, the Champ reference does not disclose the claimed vehicle-based transceiver and portable transponder. Also, as stated in the Final Action, the Takata reference fails to teach the controller, the vehicle-based transceiver, and

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the switch device. For at least the above reasons, the claimed invention is nonobvious and allowable notwithstanding the Geil reference, the Champ reference, and the Takata reference.

In view of the foregoing, all of the claims remaining in the case, namely claims 1-4, 8-10, 12-14, and 16-19, are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,
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